



DOCKET NO: L0461.70125US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Old et al.  
Serial No.: 10/054,683  
Confirmation No.: 5148  
Filed: January 22, 2002  
For: CANCER-TESTIS ANTIGENS

Examiner: Unknown  
Art Unit: 1651

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TECH CENTER 1600/2900

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 17<sup>th</sup> day of September 2003.

  
June Watson

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**PART II - Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application:

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International Application.

**"International Search Report from PCT application PCT/US02/09808"**

The International Search Report cited several references, most of which are listed in the PTO-1449 form that accompanies this IDS. Two of the cited sequence database entries, KURODA-KAWAGUCHI et al., DATABASE SPTREMBL 21 Accession No. Q9BZ98, 01 June 2001, and ZENDMAN et al., DATABASE SPTREMBL 21 Accession No. Q96GT9, 01 December 2001, were not sent to Applicant and could not be obtained by Applicant after a diligent search of the relevant databases. Applicant requested copies of these references from the International Searching Authority and/or International Examining Authority without success. Therefore, Applicant wishes to bring these references to the attention of the Examiner, but cannot provide copies of the references.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

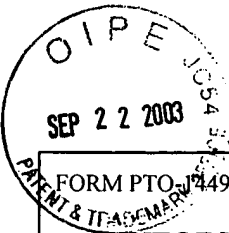


John R. Van Amsterdam, Reg. No. 40,212  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Telephone (617) 720-3500

Docket No. L0461.70125US00

Date: September 17, 2003

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| <b>FORM PTO-149/A and B (Modified)</b><br><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> |   |    |   | APPLICATION NO.: 10/054,683   |  | DOCKET NO.: L0461.70125US00                     |  |  |  |
|  |   |    |   | FILING DATE: January 22, 2002 |  | TECH CENTER 1600/2900<br>Continuation No.: 8463 |  |  |  |
|  |   |    |   | APPLICANT: Old et al.         |  |   |  |  |  |
|  |   |    |   | GROUP ART UNIT: 1651          |  | EXAMINER: Unknown                               |  |  |  |
| Sheet  | 1 | of | 2 |                               |  |   |  |  |  |

U.S. PATENT DOCUMENTS

| Examiner's Initials# | Cite No. | U.S. Patent Document |           | Name of Patentee or Applicant of Cited Document | Date of Publication or of issue of Cited Document<br>MM-DD-YYYY |
|----------------------|----------|----------------------|-----------|---|---|
|                      |          | Number               | Kind Code |   |   |
|                      |          |                      |           |   |   |
|                      |          |                      |           |   |   |
|                      |          |                      |           |   |   |
|                      |          |                      |           |   |   |
|                      |          |                      |           |   |   |

FOREIGN PATENT DOCUMENTS

| Examiner's Initials | Cite No. | Foreign Patent Document |          |           | Name of Patentee or Applicant of Cited Document<br>(not necessary) | Date of Publication of Cited Document<br>MM-DD-YYYY | Translation (Y/N) |
|---------------------|----------|-------------------------|----------|-----------|--|---|-------------------|
|                     |          | Office/Country          | Number   | Kind Code |  |   |                   |
|                     | B1       | WO                      | 01/57190 | A2        | HYSEQ INC.   | 08-09-2001  |                   |
|                     | B2       | WO                      | 01/53312 | A1        | HYSEQ INC.   | 07-26-2001  |                   |
|                     | B3       | WO                      | 01/61009 | A2        | IODP (S.A.R.L.)  | 10-19-2000  |                   |
|                     | B4       | WO                      | 00/06698 | A1        | HUMAN GENOME SCIENCES, INC.  | 02-10-2000  |                   |
|                     | B5       | WO                      | 95/35118 | A1        | MERCK & CO., INC.  | 12-28-1995  |                   |
|                     |          |                         |          |           |  |   |                   |
|                     |          |                         |          |           |  |   |                   |
|                     |          |                         |          |           |  |   |                   |
|                     |          |                         |          |           |  |   |                   |

OTHER ART – NON PATENT LITERATURE DOCUMENTS

| Examiner's Initials# | Cite No | Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
|----------------------|---------|---|-------------------|
|                      | C1      | CONKLIN et al., DATABASE SPTREMBL 21 Accession NO. Q9NRE0, 01 October 2000.   |                   |
|                      | C2      | DELOUKAS, et al., DATABASE SWISSPROT 40 Accession No. Q9H4G1, 15 June 2002  |                   |
|                      | C3      | GUPTA et al., DATABASE PIR 73 Accession No. JC4861, 18 October 1996   |                   |
|                      | C4      | ISOGAI et al., DATABASE genembl Accession No. AK057471, 10 August 2002.   |                   |
|                      | C5      | LI et al., DATABASE SPTREMBL 21 Accession NO. Q9BYZ5, 01 June 2001  |                   |
|                      | C6      | YANO, et al., DATABASE SPTREMBL 21 Accession No. Q96S80, 01 December 2001   |                   |
|                      | C7      | ZENDMAN et al., DATABASE SPTREMBL 21 Accession No. Q8WWL9, 01 March 2002  |                   |
|                      | C8      | Kasai, et al., "Immunoassay of the MRSA-Related Toxic Protein, Leukocidin, with Scanning Electrochemical Microscopy, "Anal. Chem. 2000, 72, 5761-5765.  |                   |

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|---|---|----|---|-------------------------------|--|-----------------------------|--|--|
| FORM PTO-1449/A and B (Modified)<br><b>INFORMATION DISCLOSURE<br/>         STATEMENT BY APPLICANT</b> |   |    |   | APPLICATION NO.: 10/054,683   |  | DOCKET NO.: L0461.70125US00 |  |  |
|   |   |    |   | FILING DATE: January 22, 2002 |  | Confirmation No.: 8463      |  |  |
|   |   |    |   | APPLICANT: Old et al.         |  |                             |  |  |
|   |   |    |   | GROUP ART UNIT: 1651          |  | EXAMINER: Unknown           |  |  |
| Sheet   | 2 | of | 2 |                               |  |                             |  |  |

| Examiner's Initials# | Cite No | Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
|----------------------|---------|---|-------------------|
|                      | C9      | Gambari, Roberto, "A Tool for Drug Discovery and Development," Biospecific Interaction Analysis, Dept. of Biochemistry and Molecular Biology, Technology, Am J Pharmacoeconomics 2001, pgs. 119-135   |                   |
|                      | C10     | DeRisi, et al., Geonomics and array technology, , Brown Lab, Dept. of Biochemistry, Stanford University Medical Center, 1999 Lippincott Williams & Wilkins, pgs. 76-79  |                   |
|                      | C11     | Lipshutz, et al., "High density synthetic oligonucleotide arrays," Review, 1999 Nature America Inc., nature genetics supplement, vol. 21, Jan. 1999   |                   |
|                      | C12     | Raychaudhuri, Syamal & Rock, Kenneth L., "Fully mobilizing host defense: Building better vaccines," Review, 1998 Nature America, Inc., Nature Biotechnology, Vol. 16, N ov. 1998, pgs. 1025-1031  |                   |
|                      | C13     | Rock, et al., "Analysis of the association of peptides of optimal length to class I molecules on the surface of cells," Proc Natl. Acad. Sci USA, Vol. 89, pgs. 8918-8922, Oct. 1992 Immunology   |                   |

|          |                 |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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